

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PATRICK SAGET, *et al.*,

Plaintiffs,

Docket No. CV-18-1599

- against -

(Kuntz, J.)

(Tiscione, M.J.)

DONALD TRUMP, *et al.*,

Defendants.

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**DECLARATION OF ASSISTANT UNITED STATES ATTORNEY  
JOSEPH A. MARUTOLLO**

Joseph A. Marutollo declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant United States Attorney with the United States Attorney's Office for the Eastern District of New York, and one of the attorneys for the Government in the above-captioned matter. I am familiar with the facts stated below.

2. I submit this declaration in support of (1) the Government's Proposed Findings of Findings of Fact and Conclusions of Law; and (2) the Government's Response to Plaintiffs' amended Proposed Findings of Fact and Conclusions of Law.

3. I submit this declaration to provide the Court with electronic copies of certain trial exhibits that are in evidence or that are referenced in the Government's aforementioned post-trial briefs. For the convenience of the Court, and consistent with the Court's order in *Saget v. Trump*, 351 F. Supp. 3d 251 (E.D.N.Y. 2019), the Government also annexes hereto the full deposition transcripts, including word indexes and errata sheets (where available), of Government witnesses.

4. Annexed hereto, as Trial Exhibit A-1, is the Certified Supplemental Administrative Record Index. The full Certified Supplemental Administrative Record is currently on the docket at Dkt. Nos. 45-47 and is in evidence as Exhibit A (bearing Bates Stamp Nos. AR-S\_HAITI 1—AR-S\_HAITI 318). The Government also excerpted parts of the Certified Supplemental Administrative Record as discrete, stand-alone exhibits; these exhibits are also in evidence. *See* Trial Exhibits B, C, D, E, F, G, H, I, J, Q.

5. Annexed hereto, as Trial Exhibit B, is Acting Secretary of Homeland Security Elaine C. Duke’s decision regarding Haiti’s Designation for Temporary Protected Status, bearing Bates Stamp Nos. AR-S\_HAITI 38—44. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

6. Annexed hereto, as Trial Exhibit C, is a draft U.S. Citizenship and Immigration Services (“USCIS”) Recommendation Memorandum, dated November 3, 2017 regarding Haiti’s designation for Temporary Protected Status, bearing Bates Stamp Nos. AR-S\_HAITI 14—27. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

7. Annexed hereto, as Trial Exhibit D, is a document titled Haiti TPS Strategy Meeting, dated November 13, 2017, bearing Bates Stamp Nos. AR-S\_HAITI 28—30. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

8. Annexed hereto, as Trial Exhibit E, is a letter, dated October 31, 2017, from Secretary of State Rex Tillerson to Acting Secretary Elaine C. Duke, bearing Bates Stamp Nos. AR-S\_HAITI 36—37. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

9. Annexed hereto, as Trial Exhibit F, is a Department of State recommendation regarding Temporary Protected Status for Haiti, bearing Bates Stamp Nos. AR-S\_HAITI 45—50.

This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

10. Annexed hereto, as Trial Exhibit G, is a recommendation from U.S. Southern Command regarding Temporary Protected Status for Haitians in the U.S., bearing Bates Stamp Nos. AR-S\_HAITI 1-3, 165. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

11. Annexed hereto, as Trial Exhibit H, is a document titled USCIS-TPS Considerations: Haiti (October 2017) Natural Disaster, bearing Bates Stamp Nos. AR-S\_HAITI 51-68. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

12. Annexed hereto, as Trial Exhibit I, is Department of Homeland Security—Intelligence Assessment, dated November 2, 2017, bearing Bates Stamp Nos. AR-S\_HAITI 69—112. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

13. Annexed hereto, as Trial Exhibit J, is a White House—Principals Small Group Meeting on Temporary Protected Status, bearing Bates Stamp Nos. AR-S\_HAITI 117-133. This exhibit is part of the Certified Supplemental Administrative Record and is in evidence.

14. Annexed hereto, as Trial Exhibit K, is a Statement, dated September 22, 2016, by Secretary Jeh Johnson concerning his directive to resume regular removals to Haiti. This exhibit is in evidence.

15. Annexed hereto, as Trial Exhibit L, is a Statement, dated November 23, 2016, by Secretary of Homeland Security Jeh Johnson on the resumption of removals to Haiti, dated November 23, 2016. This exhibit is in evidence.

16. Annexed hereto, as Trial Exhibit M, is a letter, dated December 12, 2016, from Secretary of State John Kerry addressed to Secretary of Homeland Security Jeh Johnson concerning Haiti's Temporary Protected Status designation, bearing Bates Stamp No. DPP\_8554.

This exhibit is in evidence.

17. Annexed hereto, as Trial Exhibit N, is an Affidavit of Brian Concannon Jr., Esq. in Support of Asylum Application of XX, YY. This exhibit is in evidence.

18. Annexed hereto, as Trial Exhibit O, is an article titled *Time to Deal with Haiti*, authored by Paul Farmer and Brian Concannon, dated April 21, 2009. This exhibit is in evidence.

19. Annexed hereto, as Trial Exhibit R, is a Federal Register Notice, dated November 3, 1998, concerning Sierra Leone's Temporary Protected Status designation. This exhibit is in evidence.

20. Annexed hereto as Trial Exhibit S, is a Federal Register Notice, dated November 9, 1999, concerning Sudan's Temporary Protected Status designation. This exhibit is in evidence.

21. Annexed hereto is the deposition transcript, dated August 9, 2018, of Donald Neufeld, Associate Director, Service Center Operations, at U.S. Citizenship and Immigration Services ("USCIS"). This exhibit is in evidence.

22. Annexed hereto is the deposition transcript, dated August 14, 2018, of James Nealon, former Assistant Secretary for International Affairs for the Department of Homeland Security, former Acting Under Secretary for Strategy, Policy, and Plans for the Department of Homeland Security, and former U.S. Ambassador to Honduras. This deposition transcript is in evidence.

23. Annexed hereto is the deposition transcript, dated December 13, 2018, of Kathryn Anderson, former Deputy Chief, International Humanitarian Affairs Division, at USCIS. This deposition transcript is in evidence.

24. Annexed hereto is the deposition transcript, dated December 18, 2018, of Brandon Prelogar, current Chief, International Humanitarian Affairs Division, at USCIS. This deposition

